

REMARKS

In the Final Office Action dated December 30, 2003, the Examiner has rejected pending claims 1-26. The rejections are believed to be overcome in light of the amendments to the independent claims included herein. The revised language emphasizes aspects of the invention otherwise believed to be included in the claims as previously presented. Entry of this amendment in accordance with 37 CFR §1.116 is respectfully requested as the amended claim language emphasizes features of the invention that are included as part of the definition of the term "mobile agent" as defined by Applicant's specification. The amendment was not earlier presented as the term was believed to encompass the language now added and, in the alternative, presents the claims in better form for consideration on appeal.

Claim Rejections

Claims 1-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Solomon in view of an article by Farrell. Applicant respectfully requests reconsideration of the rejection in view of the amendments to the claims and the remarks that follow.

The amended claim language recites that the "...first mobile agent [is] configured to dynamically adjust to varying conditions..." This feature of a mobile agent as the term is used herein by Applicant is described in the specification as filed at, for example, pages 9 - 10, paragraph 24 (emphasis added below to identify specific language incorporated into the claims by the present amendment):

*... Using mobile agents provides for the migration from computer to computer of processes in an asynchronous fashion as required to formalize, approve, and implement an ad campaign. As used herein, asynchronous refers to an automatic container of data, logic, and/or presentation objects that is independent of a destination on target application to which the mobile agent is next sent. Unlike e-mail messages or remote procedure calls, where a process involves procedures of a remote host, process migration allows executable code to travel and interact with databases, file systems, information services and other agents. Thus, for example, rather than sending an e-mail to a potential media vendor requesting a response to an RFQ, a mobile agent might directly interact with the vendor's systems and databases to obtain the necessary information before reaching the user. In addition, the use of a mobile agent allows enhanced versatility of interaction, because **the mobile agent dynamically adjusts to varying conditions**. The mobile agent may visit multiple users to provide a preferred mix of information, dynamically readjusting as various requirements are satisfied or*

optimizing results by reacting to changing conditions. The mobile agent may also adjust for proprietary information. ...

Thus, Applicant's mobile agents dynamically readjust to changing conditions and do not need to go return to a central location or base to react to various requirements as they are satisfied or optimized.

As explained in Applicant's prior Amendment, the Solomon disclosure describes the use of intelligent negotiation agents (INAs) operating in the context of buyer and seller interactions. [Paragraphs 268 and 269] However, the Solomon disclosure contemplates the use of software agents such as INAs in buyer-side bidding systems consisting of at least two sellers. [Paragraphs 24, 31, 32, 208, 213, 214, 270, 383] These agents are static, not dynamic as required by Applicant's claims, and thereby must be reconfigured by some central administrative or monitoring system to react to various conditions. This is because Solomon uses commercial search agents (CSAs) to access showcase databases that are comprised of real-time streaming data from industry participants. The present invention does not limit mobile agents to access showcase databases, but allows the mobile agents to directly obtain information from a vendor by transmitting a mobile agent with a media availability query to a potential vendor and dynamically adjust accordingly. [Claims 1, 11, and 20]. Additionally, the present subject matter includes a first mobile agent used for transmitting a media availability query to a potential vendor, and a second mobile agent for transmitting a media buy confirmation to the potential vendor. Furthermore, these operations take place in a context of a client-agent-vendor scenario.

The Farrell reference discusses electronic commerce applications that enable a media consumer to directly purchase media consumables. The present invention contemplates the retention of an agent middleman that negotiates a client buy order and then uses the present invention to obtain the media consumables in the client buy order. The Farrell reference does not disclose the use of dynamically adjusting electronic agents to streamline the client-agent-vendor business model. [Claims 1, 11, and 20]

Claims 1-22 have also been rejected under 35 U.S.C. § 103(a) as being unpatentable over Peckover, U.S. Patent No. 6,119,101 also in view of Farrell. This rejection is likewise believed overcome by the present amendment to the claims. That is, the applied prior art fails to teach or

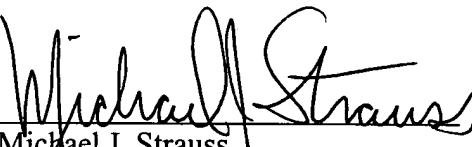
suggest "...a first mobile agent with a media availability query to a potential vendor, said first mobile agent configured to dynamically adjust to varying conditions..." Accordingly, independent claims 1, 11 and 20 are considered to be patentably distinguishable over the applied art singularly or in combination.

Claims 2-10, 12-19 and 21- 26 each define additional subject matter not found or suggested by the applied prior art in the recited combinations and are thereby considered to be allowable independent of their respective base claims. Accordingly, Applicant believes that all claims are in condition for examination and allowance.

While the outstanding rejection is believed to be overcome by the instant clarifying amendment, Applicant also maintains that the rejection is improperly based on hindsight for the reasons presented in the prior Amendment and incorporated and reasserted herein.

Entry of the instant Amendment in accordance with 37 CFR §1.116 is respectfully requested as the revised claim language emphasizes features of the invention that are believed to be inherently included as part of the definition of the term "mobile agent" as defined by Applicant's specification. The amendment was not earlier presented as the claim term was believed to encompass the language now added and, in the alternative, presents the claims in better form for consideration on appeal. Should the Examiner have any questions or comments regarding this communication, he may contact the Applicant's representative at the number below.

Respectfully submitted,


Michael J. Strauss
Registration No. 32,443

Date: March 30, 2004

FULBRIGHT & JAWORSKI L.L.P.
Market Square Building
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2623
Telephone: (202) 662-0200